REMARKS

The Final Office Action[1]:

(1) objected to claims 2, 12, and 21;

(2) rejected claims 31-33 under 35 U.S.C. § 112; and

(3) rejected claims 1-5, 8-15, 18-24, and 27-33 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,875,437 to Atkins (*Atkins*) in view of U.S. Patent No. 6,615,240 to Sullivan et al. (*Sullivan*) and U.S. Patent No. 6,470,325 to Leemhuis (*Leemhuis*).

By this Amendment, claims 1, 2, 4, 11, 12, 14, 20, 21, 23, and 30-33 are amended, claims 3, 13, and 22 are canceled, and claim 34 is added. Thus, claims 1, 2, 4, 5, 8-12, 14, 15, 18-21, 23, 24, and 27-34 are pending in this application.

1. Claim Objections

The Final Office Action objects to claims 2, 12, and 21 for allegedly containing a typographical error. *See* Final Office Action, pg. 2. Without conceding the propriety of the Office Action's characterization, Applicant hereby amends claims 2, 12, and 21 to recite "residing" instead of "resident," in accordance with the Examiner's helpful suggestion. Accordingly, Applicant respectfully requests withdrawal of the objection to claims 2, 12, and 21.

2. Rejection Under 35 U.S.C. § 112

The Final Office Action rejects claims 31-33 based on an alleged lack of antecedent basis. As claims 31-33 are amended to provide proper antecedent basis,

[1] The Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Final Office Action.

Applicant respectfully requests withdrawal of the rejection of claims 31-33 under 35 U.S.C. § 112.

3. Rejection Under 35 U.S.C. § 103

Applicant respectfully traverses the rejection of claims 1-5, 8-15, 18-24, and 27-29 under 35 U.S.C. § 103(a) as being unpatentable over *Atkins* in view of *Sullivan* and *Leemhuis*. Claims 3, 13, and 22 are canceled, rendering their rejection moot.

The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. *See* M.P.E.P. § 2142, 8th Ed., Rev. 6 (Sept. 2007). The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit and stated that "rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *See* M.P.E.P. § 2141. In comparing the claim to the prior art, three factual inquiries must be addressed: (1) the scope and content of the prior art must be ascertained; (2) the differences between the claimed invention and the prior art must be determined; and (3) the level of ordinary skill in the pertinent art at the time of the invention was made must be evaluated. *See id.*

In this application, a *prima facie* case of obviousness has not been established because the Final Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the claimed invention as amended and the prior art. Accordingly, the Final Office Action has failed to clearly

articulate a reason why the prior art would have rendered the claimed invention obvious to one of ordinary skill in the art.

Claim 1 recites, in part, "the user introduces life risk events into the model and performs a life risk analysis, the life risk analysis comprising calculating an impact of the life risk events on a cash flow of the user based on the life risk events, actuarial data, the expected yearly income, and the expected yearly expenses."

The Office Action alleges that *Atkins* teaches introducing the claimed "risk events" into the model, pointing to Tables 5 and 8 and portions of *Atkins's* specification to support this allegation. *See* Final Office Action, pg. 6. Applicant disagrees.

Atkins discloses an investment risk preference/risk aversion menu 370 that simply contains information regarding the degree of risk the individual is willing to accept with her investments and borrowing. *See* col. 49, line 19 - col. 50, line 16. The degree of risk is not an event. Furthermore, assuming, *arguendo*, that the degree of risk in *Atkins* is an event, which Applicant does not concede, *Atkins* is silent regarding "calculating an impact of the life risk events on a cash flow of the user . . ." as recited in independent claim 1.

In view of the above, the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention. Accordingly, the Office Action has failed to clearly articulate a reason why the claim would have been obvious to one of ordinary skill in view of the prior art. Therefore, a *prima facie* case of obviousness has not been established for independent claim 1 as well as claims 2, 4, 5, and 8-10 which depend therefrom.

Furthermore, independent claims 11, 20, and 30 recite elements similar to those recited in independent claim 1 and are thus allowable for one or more of the reason discussed above with respect to independent claim 1. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 11, 20, and 30, as well as claims 12, 14, 15, 18, 19, 21, 23, 24, 27-29, and 31-33 which variously depend therefrom.

4. New Claim 34

New claims 34 is allowable over the applied art at least based on its dependence on allowable claim 1, as well as for the additional element it recites.

5. Conclusion

In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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